

1 Robert B. Zelms, Arizona Bar No. 018956

2 rbz@manningllp.com

3 Bree G. Bryenthal, Arizona Bar No. 035671

4 bgb@manningllp.com

5 **MANNING & KASS**

6 **ELLROD, RAMIREZ, TRESTER LLP**

7 3636 North Central Avenue, 11th Floor

8 Phoenix, Arizona 85012

9 Telephone: (602) 313-5469

10 Fax: (602) 313-5499

11 *Attorneys for Defendant*

12

13 **IN THE UNITED STATES DISTRICT COURT**

14 **DISTRICT OF ARIZONA**

15 Moreno Freight LLC, an Arizona limited
16 liability company,

17 Civil Action No.:

18 Plaintiff,

19 v.

20 Pennsylvania Manufacturers Association
21 Insurance Company,

22

23 **NOTICE OF REMOVAL**

24 (Arizona Superior Court, Maricopa County
25 Case No.: CV2019-095985)

26 Defendant.

27

28 Pursuant to 28 U.S.C. §§1332(a), 1441(a), 1446 and the applicable Local Rules of
the District of Arizona, Pennsylvania Manufacturers Association Insurance Company
("Defendant" or "PMA"), hereby removes the above-captioned civil action from the
Superior Court in and for Maricopa County, State of Arizona, to the United States District
Court for the District of Arizona. In support thereof, Defendant states as follows:

29

30 1. On or about December 16, 2019, Plaintiff Moreno Freight, LLC ("Plaintiff"), filed a
31 Complaint in the Superior Court in and for Maricopa County, State of Arizona, against

32

33 **MANNING & KASS**
34 **ELLROD, RAMIREZ, TRESTER LLP**
35 ATTORNEYS AT LAW

1 Defendant. Defendant waived service of the Summons and Complaint on or about January
2 23, 2020. Defendant filed its Answer on February 18, 2020.

3 2. In accordance with the procedure set forth in 28 U.S.C. §1446(a), a copy of the
4 Complaint served upon Defendant in the state court action is attached hereto as **Exhibit A**.

5 Defendant's Answer is being filed in this Court and is submitted hereto as **Exhibit B**.

6 3. This Notice of Removal is timely filed in accordance with 28 U.S.C. §§1441(b) and
7 1446.

8 4. Plaintiff is a limited liability company who claims to do business in the State of
9 Arizona with its principal place of business in Maricopa County, Arizona. (Complaint, ¶1).

10 5. Defendant is an insurance company domiciled in the State of Pennsylvania.

11 6. Therefore, for purposes of removal jurisdiction, Plaintiff is a citizen of Arizona and
12 Defendant is a citizen of Pennsylvania. Thus, complete diversity of citizenship exists
13 between Plaintiff and Defendant.

14 7. Plaintiff's Complaint alleges that Plaintiff sustained losses totaling \$712,905.95

15 **Exhibit A.**

16 8. As authorized by 28 U.S.C. §1441, removal is based on the district court's original
17 jurisdiction under 28 U.S.C. §1332, because diversity of citizenship between the parties
18 exist and the amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00)
19 not including interest and attorneys' fees.

20 9. The undersigned has served the notice of the removal of this action on Plaintiff by
21 serving Plaintiff's counsel with this notice of removal and by filing a copy of this notice of
22 removal with the Superior Court in and for Maricopa County, Arizona.
23

1 10. True copies of all process, pleadings and orders which have been served or filed in
2 this case are attached hereto and filed herewith as **Exhibit C**.
3

4 11. As this action asserts a claim between diverse parties for an amount greater than the
5 jurisdictional threshold, the requirements of 28 U.S.C. §1332 have been satisfied and
6 removal to this Court is proper.

7 **WHEREFORE**, Defendant respectfully requests that this case be entered upon the
8 docket of the United States District Court for the District of Arizona, pursuant to 28 U.S.C.
9 §§1441 and 1446.
10

11 RESPECTFULLY SUBMITTED this 24th day of February, 2020.
12

13 **MANNING & KASS**
14 **ELLROD, RAMIREZ, TRESTER LLP**
15

16 By: /s/ Robert B. Zelms
17 Robert B. Zelms, Esq.
18 Bree G. Bryenthal, Esq.
19 Attorneys for Defendant
20

21 **CERTIFICATE OF SERVICE**
22

23 I hereby certify that on this 24th day of February, 2020, I electronically filed the
24 foregoing, using the CM/ECF system, which served the following CM/ECF participant:
25

26 Joel L. Herz
27 LAW OFFICES OF JOEL L. HERZ
28 3573 East Sunrise Drive, Suite 215
29 Tucson, AZ 85718
30 joel@joelherz.com
31 Attorneys for Plaintiff
32

33 _____
34 /s/ Lupe Alabado
35